

Angka Giliran: \_\_\_\_\_ No. Tempat Duduk \_\_\_\_\_

UNIVERSITI SAINS MALAYSIA

Peperiksaan Semester Kedua  
Sidang Akademik 2002/2003

Februari/Mac 2003

**HBT 203 – Bahasa, Undang-Undang dan Penterjemahan II  
(Language, Law and Translation II)**

Masa : 3 jam

**ARAHAN KEPADA CALON:**

1. Pastikan kertas soalan ini mengandungi **LIMA [5]** soalan dalam **SEMBILAN [9]** muka surat bercetak sebelum anda memulakan peperiksaan.
2. Jawab **SEMUA** soalan dalam **BAHAGIAN A** dan mana-mana **DUA [2]** soalan daripada **BAHAGIAN B**.
3. Tulis jawapan anda bagi **BAHAGIAN A** dalam kertas peperiksaan ini. Gunakan kertas jawapan biasa bagi jawapan **BAHAGIAN B**. Kedua-duanya hendaklah diikat bersama.
4. Anda boleh membawa kamus dwibahasa (yang tidak bercatatan) ke dalam bilik peperiksaan.

**UNTUK KEGUNAAN PEMERIKSA:**

Soalan	Markah Penuh	Markah diperoleh
<b>BAHAGIAN A</b>		
1	50	-----
<b>BAHAGIAN B</b>		
2	25	-----
3	25	-----
4	25	-----
5	25	-----

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**BAHAGIAN A.**

1. Jawab [a] hingga [n]:

[a] Huraikan sumber-sumber undang-undang jenayah yang utama:  
[3 markah]

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

[b] Dalam sesuatu pembicaraan kes jenayah, nyatakan pengertian-pengertian yang berikut:  
*examination –in-chief*, *cross-examination* dan *re-examination*.  
[5 markah]

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- [c] Huraikan maksud petikan bahasa Latin, "*actus non facit reum nisi mens sit rea*."

[2 markah]

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- [d] Huraikan tempat-tempat yang enggan bertindak (*omission*) boleh berupa sesuatu perbuatan jenayah.

[2 markah]

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- [e] Dalam *mens rea*, apakah perbezaan antara niat spesifik dengan niat asas dan apakah jenayah-jenayah yang tergolong di dalamnya.

[4 markah]

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- [f] *Mens rea* ialah minda berbuat jahat "*culpable state of mind*" dan ia boleh berupa niat, tidak hirau, cuai dan niat pindah. Dengan disokong oleh kes-kes yang sesuai, huraikan perbezaan antara bentuk-bentuk *mens rea* tersebut.

[6 markah]

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- [g] Apakah perbezaan "*burden of proof*" dan "*standard of proof*" bagi kes pendakwaan dan pembelaan?

[5 markah]

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- [h] Dalam undang-undang jenayah nyatakan homisid "*homicide*" dari segi sifatnya, pendakwaannya dan pembelaannya.

[5 markah]

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[i] Bezakan antara serang "*assault*" dengan serang sentuh "*battery*":

[2 markah]

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[j] Bagaimanakah jenayah kewajipan ketat "*strict liability offences*" berbeza daripada jenayah-jenayah lain?

[2 markah]

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[k] Bagaimanakah seseorang itu dapat dianggap sebagai tergolong kepada pihak-pihak dalam jenayah "*parties to a crime*"?

[4 markah]

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**[2 markah]**

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Dalam undang-undang jenayah, terangkan maksud “..the standard of reasonable man”.

**[2 markah]**

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Bezakan antara gila “insanity” dengan kewajipan menyusut “*diminished responsibility*” dalam pembelaan tuduhan jenayah.

**[6 markah]**

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**BAHAGIAN B:** (Jawab dengan menggunakan kertas jawapan peperiksaan).

2. Jawab [a] dan [b]:

- [a] Dalam definisi pencurian yang berikut, huraikan maksud kata dan frasa yang bergaris daripada aspek *mens rea* dan *actus reus* secara berasingan.

[15 markah]

*"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it."*

- [b] Apakah maksud kesalahan jenayah seksual (*sexual offences*)?

[10 markah]

3. Jawab [a], [b] dan [c]:

- [a] Apakah yang dimaksudkan dengan surat wasiat? [4 markah]

- [b] Nyatakan antara kegunaan-kegunaan utama "surat wasiat". [6 markah]

- [c] Apakah maksud dan kepentingan kepastian-kepastian dalam surat sesuatu amanah?

[15 markah]

4. Terjemahkan teks yang diberikan di bawah dan seterusnya berikan komen tentang masalah yang anda hadapi dalam penterjemahan anda. (Sumber: David Barker & Colin Padfield, Law (edisi 1998))

- [a] *"The object of criminal proceedings is primarily punishment. The police are the principal agents to enforce the criminal law, though a private person may also prosecute a criminal offence. If the defendant is found guilty the court may award the proper punishment. The object of proceedings in tort is not punishment, but compensation or reparation to the plaintiff for the loss or injury caused by the defendant, i.e., damages."*

[10 markah]

- [b] *"This means that the persons whom the trust is intended to benefit must be ascertainable or at least capable of ascertainment. If a settlor has conveyed property to trustees and the objects of the trust is uncertain, the trustee will hold on a resulting trust for the settlor."*

[5 markah]

...9/-



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- [c] *“Where any person suffers damage as a result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the court thinks just and equitable having regard to the claimant’s share in the responsibility for the damage.”*

[10 markah]

5. Jawab [a], [b] dan [c]:

- [a] Dalam petikan berikut, terangkan kewajipan penghuni “*occupier*” dan pelawat “*visitor*” dalam tort.

*“The tort of negligence comprises of three element, duty of care, breach of that duty, and damage caused to the plaintiff by that breach.”*

[10 markah]

- [b] Dalam tort siapakah yang boleh membuat pendakwaan?

[7 markah]

- [c] Apakah antara skop pembelaan-pembelaan yang biasa diutarakan oleh pihak pembela?

[8 markah]